Synopsis on

"Constitutional Philosophy of Freedom of Speech and Expression in India: An Analytical Study"

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Introduction:

Freedom of expression is a cherished right which is recognized by the Constitution of India under Art. 19(1)(a) as a fundamental right. The preamble of our Constitution also says that all citizens shall have, among others liberties, of thoughts and expression. The International and Regional organizations also confer such right. Freedom of Expression means the right to express one's own convictions and opinions freely by words of mouth, writing, printing, pictures or any other mode. It thus includes the expression of one's ideas through any communicable medium or visible representation, such as, gesture, sings etc.

Freedom of expression serve the following broad social purposes:- It helps an individual to attain self fulfillment, it assists in the discovery of truth, it strengthens the capacity of an individual in participating in decision making, it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change, it helps the transfer the knowledge from one generation to next generation.

These basic freedom cherished by the people of this Country are available since the Vedic Period which protects the dignity of the individual. In the colonial India there was no expressed provision for the freedom of expression and struggle for grant of right began during the British period. After Independence this freedom conferred expressly by the Constitution to the people of India.

The dimensions/facets of the right to freedom of expression underwent change through: (i) Amendment of the Constitution. (ii) Judicial Pronouncements, and (iii) Technological Advancement. As well as the concept of national security and the manners of the securing the national security has changed in this technical era. No law and no right has got more

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importance than national defence and security because any right can be enjoyed only when one resides in a country whose existence is well protected and secured. So, for the protection of the national security, the imposition of restrictions on the right to freedom is necessary. Other countries of the world have also imposed restrictions on the right to freedom of expression, even international organisations have also permitted states to impose restrictions on the subject right.

Objectives:

The objectives of this research work are to bring out the deficiencies/loopholes and develop a foolproof system to secure the national security.

Importance:

If the deficiencies/loophole is figured out and remedial measures are provided then it will be helpful to develop a foolproof system to secure the national security.

Scope:

The study will be done only in context of India.

Research Methodology:

Keeping in view the nature of the research work Doctrinal Method and historical, descriptive, analytical, comparative and evaluative approaches will be adopted. In accordance with this methodology, first as historical back ground, ancient scriptures will be referred to find out the position of freedom then comparative and analyzing the statutory and constitutional provisions national vis-à-vis international statutes and constitutions of the other countries have been consulted as to how there has

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been a changing dimension of expression along with attendant restrictions in the perspective of national defence and security and the role played by the statutes, constitutions, judicial pronouncement and technological advancements and in last, evaluation.

The materials for the present research work will be collected from various Books, Acts, Constitutions, Constituent Assembly Debates, Parliamentary Debates, Journals, Articles, Papers, Reports, Magazines, International and Regional Instruments.

Plan of Work

The research work has been divided into Six Chapters -

Chapter-I- It is introductory in nature. It will introduce the subject with history of expression and the limitation of this freedom in respect of national defence and security.

Chapter-II- It will gives an overview of right to expression, its importance as a basic human right. It also will be deals with the justification of freedom of expression and Art. 19(1)(a) and its interrelationship with various constitutional mandates of Indian Constitution.

Chapter-III- It will be deals with the changing dimensions of Expression through amendment of Constitution, judicial pronouncements and technological advancements.

Chapter-IV- It will deals with changing dimensions of national security and includes –concept of security historical development and the concept and definition of national security. It also deals with national security along with its internal and external aspects, role of communication technology, Parliament, Executive, Judiciary and security management.

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Chapter-V- It will deals with various constitutional and legislative efforts towards the right to freedom of expression with attendant restrictions vis-à-vis national security.

Chapter-VI- It will incorporates conclusion drawn from the present work, some suggestions for securing national security and defence in relation to right to freedom of expression.

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